

## REMARKS

Applicants have canceled Claims 1-7 and 10-18 in order to facilitate allowance of pending Claims 28, 31-32, and new Claims 33-36, and without conceding the correctness of the Examiner's rejections of the canceled claims. Cancellation of Claims 1-7 and 10-18 is without prejudice to applicants' right to file a subsequent patent application directed to the canceled claims.

Support for new Claim 33 is found in the specification at least at page 6, lines 10-12. Support for new Claim 34 is found in the specification at least at page 18, lines 8-12. Support for new Claims 35 and 36 is found in the specification at least at page 8, lines 10-12.

In view of the foregoing claim amendments, and arguments that follow, applicants respectfully submit that all of the pending claims are in condition for allowance.

### Rejection of Claims 1-7 and 10-18

Applicants submit that the Examiner's rejections of Claims 1-7 and 10-18 are now moot since these claims have been canceled.

### Rejection of Claims 1-5, 10, 12, 28, and 29 Under 35 U.S.C. § 102(e) as Being Allegedly Anticipated by Detmar et al. (WO 00/57899)

Applicants submit that the Examiner's rejection with respect to Claims 1-5, 10 and 12 is moot because these claims have been canceled. Applicants respectfully submit that the Detmar et al. reference cannot be cited under 35 U.S.C. § 102(e) against the present patent application.

As set forth at Manual of Patent Examining Procedure § 706.02(f)(1), at page 700-27 of M.P.E.P. Revision 1 dated February, 2003, and as shown in Flow Chart II set forth at M.P.E.P. § 706.02(f)(1), page 700-38 of M.P.E.P. Revision 1, dated February, 2003, if the international application was not filed on or after November 29, 2000, then the resulting published application

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does not have a Section 102(e) date. Applicants note that the international filing date of the Detmar reference is March 22, 2000, which is before November 29, 2000, and so the Detmar publication does not have a Section 102(e) date.

The effective date of the Detmar publication as a reference is its international publication date (October 5, 2000), which is before the filing date of the present application (July 31, 2001), but after the filing date (August 1, 2000) of the provisional patent application (Application No. 60/222,071) from which the present application claims benefit of priority. Applicants note that a copy of United States Provisional Patent Application No. 60/222,071 (the '071 application) was provided to the Examiner in the response filed on July 23, 2003, as Attachment G. The '071 application discloses, *inter alia*, the implantation of a collagen matrix into mice. The collagen matrix was impregnated with antisense TSP2 molecules. The antisense TSP2 molecules promoted vascularization of the fibrous capsule that formed around the implanted matrix (see, e.g., FIGURE 3 of the '071 application, and discussion thereof). The '071 application therefore discloses the claimed use of TSP2 antisense molecules to modulate the amount or biological activity of TSP2 in an animal. Thus, the priority date of this aspect of the invention is the filing date of the '071 application (August 1, 2000), which precedes the international publication date of the Detmar et al. reference (October 5, 2000). Consequently, the Detmar et al. reference is not citable as prior art against the pending claims of the present application.

Rejection of Claims 28-32 Under 35 U.S.C. § 112, First Paragraph for Alleged Lack of  
Written Description

The Examiner's rejection is drawn to the alleged lack of written description with respect to the osteopontin molecules that are useful in the practice of the present invention. Applicants note that the pending claims have been amended to delete reference to osteopontin and its use in

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the practice of the present invention. Thus, applicants respectfully submit that the Examiner's rejection is now moot.

CONCLUSIONS

In view of the foregoing claim amendments and arguments, applicants respectfully submit that all of the pending claims are in condition for allowance. Reconsideration and favorable action are requested.

Respectfully submitted,

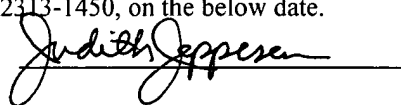
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Date: 1/20/04



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